

#23

Atty. Docket No.: 11111/1210

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------------|---|-----------------|---------|
| Application of: | Segal   | Examiner:       | DeCloux |
| Serial No.:     | 09/318,870  | Group Art Unit: | 1644    |
| Filed:          | May 26, 1999  | Conf. No.       | 2018    |
| Entitled:       | Cytokine Coated Cells and<br>Methods of Modulating an<br>Immune Response to an<br>Antigen |                 |         |

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
**UNDER 37 C.F.R. § 1.6d**

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Mathew Beaudet

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Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Examiner:

In response to the Restriction Requirement dated April 9, 2002, Applicants elect Group I, Claims 1-2, 5-8, 13-14, 17-20, and 22-25 for prosecution on the merits, with traverse. In particular, Applicant submits that Group II (claims 3 and 4) should be included with Group I. Claim 3 depends from claim 1, and claim 4 depends from claim 3. Claim 3 recites "wherein said vaccine composition further comprises an opsonin-enhanced cell" (emphasis added). Thus, claim 3 includes all of the elements of claim 1, and merely adds an additional element. Claim 4, accordingly, includes all the elements of claim 1, and merely recites a specific opsonin. Applicant therefore requests that claims 3 and 4 be included in Group I, and Applicant respectfully requests reconsideration of each of the requirements for restriction.

The Restriction Requirement states that in addition to the election of a particular group, Applicant must further elect a method comprising (1) a specific mammal, (2) a specific cytokine, (3) a specific cell coated with cytokine, (4) a specific cell that is opsonized, (5) a specific

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opsonin, (6) a specific ligand, (7) a specific lipid, and (8) a specific receptor. Accordingly, Applicant elects (1) a human, (2) GM-CSF, (3) melanoma cell, (4) melanoma cell, (5) C3B, (6) human GM-CSF, (7) palmitate, (8) human GM-CSF receptor.

Should any fees be required to ensure consideration of this response, the Commissioner is authorized to charge Deposit Account 16-0085, Reference No. 11111/1210.

Respectfully submitted,

Date: July 9, 2002

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